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C O N F I D E N T I A L SECTION 01 OF 04 THE HAGUE 003184

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STATE FOR AC/CB, NP/CBM, VC/CCB, L/ACV, IO/S  
SECDEF FOR OSD/ISP  
JOINT STAFF FOR DD PMA-A FOR WTC  
COMMERCE FOR BIS (GOLDMAN)  
NSC FOR JOECK  
WINPAC FOR WALTER

E.O. 12958: DECL: 12/08/2014

TAGS: PARM PREL CWC

SUBJECT: CHEMICAL WEAPONS CONVENTION (CWC): HOST COUNTRY  
AGREEMENT MEETINGS IN THE HAGUE, 29 NOV-3 DEC

REF: A. REF A. STATE 240245

- 1B. REF B. STATE 225581
- 1C. REF C. STATE 225585
- 1D. REF D. STATE 225592
- 1E. REF E. STATE 225599
- 1F. REF F. STATE 213871

Classified By: Amb. Eric M. Javits, U.S. Perm Rep to the OPCW for reasons 1.4 (h).

This is CWC-144-04.

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Background  
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11. (C) The U.S. invited a number of countries (Refs A-F) to send representatives to The Hague, during the 9th CWC Conference of the States Parties (from 29 November-3 December 2004) for informal bilateral expert discussions on Host Country Agreements (HCA). With the exception of Luxembourg, the DoD led team was successful in meeting with all intended delegations (Norway, Denmark, Spain, Portugal, Jordan, Belgium, and Hungary). Other HCA-related matters were discussed with Italy and Germany.

12. (C) All indications were that the discussions were beneficial in promoting a greater understanding among the host countries as to why an agreement should be aggressively pursued and concluded. Delegations we talked to provided reasonable degrees of assurance that it was their intent to provide prompt responses to the latest draft texts provided to them.

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Highlights  
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13. (C) Several delegations wanted to know how many other countries the U.S. was attempting to conclude agreements with, followed by a request to obtain a copy of an approved agreement the U.S. had with another country. They stated that having such knowledge and information would help generate support within their own country to conclude an HCA with the U.S.

14. (C) None of the countries provided any clear indication they preferred a legally binding agreement with the United States.

15. (C) Some countries assumed that our push to conclude an agreement with them may somehow be connected with the EU's recent call for a Challenge Inspection (CI) Action Plan. This, in turn, appeared to produce some reluctance on their part to engage in further discussions with the U.S. until they consulted with the EU. The del however, effectively dispelled this misconception regarding an EU connection.

16. (C) Del addressed the HCA in general terms, noting why we felt an HCA was necessary and how it functioned as a communications and coordination plan, intended to help clarify expectations in circumstances where time was at a premium in light of a politically significant event.

17. (C) Del expressed an interest in hearing specific concerns any of the countries may have as soon as possible, noting we had the goal of concluding this agreement by March 2005 (with exception of Jordan). Countries appeared somewhat surprised, but generally receptive to our request for capital visits.

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Summaries of Individual Discussions  
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18. (C) Portugal: Attending for Portugal was Mr. Rui Lopes Aleixo from the MFA, and Ms. Rita Guerra, Permanent Delegate to the OPCW. The del conducted a "near" line-by-line review of the agreement with the Portuguese delegation. Aleixo pointed out that conceptually the agreement posed no problems and that he understood the need to conclude an agreement; however, he pointed out that he could not guarantee that they could agree on the format, explaining that an "exchange of notes" may be a better approach in order to avoid an interagency and Parliamentary review. He also emphasized that a MFA legal review, not yet undertaken, would be needed to clarify whether Portugal can accept the draft HCA in its existing form. Portugal was under the impression that the CWC provided sufficient detail to conduct a CI, and thus questioned why an agreement was needed at all. Del pointed out that the CWC only provided for requesting and receiving challenge inspections, as well as requirements for the conduct of the inspection. It did not provide the necessary information for protecting national security interests, especially as it might apply for protection of another country's assets located within the host country's territory.

The del also pointed out that the agreement lays the framework for determining significant administrative, communication, logistical and policy details that the CWC did not address. Portugal was also concerned about the timing of this request, hinting that the USG might be planning something that would require the HCA to be implemented, or that there was some connection between the agreement and the EU's recent call for a CI Action Plan. Their concerns were quickly dispelled, however. Finally, Aleixo did solicit our patience with concluding the agreement, pointing out that Portugal is undergoing several governmental CWC position changes. In saying that, Aleixo stated it would be useful to obtain a copy of an existing agreement between the U.S. and another country, in mustering support for an agreement between Portugal and the U.S.

19. (C) Hungary: Mr. Istvan Fehervari, Hungary's Deputy Director for Arms Control and Non-proliferation, led discussions for Hungary. Fehervari expressed concern regarding the need for such an agreement, as well as the legal status of the agreement, financial implications, and the MFA's ability to compel Hungary's CWC National Authority to execute the agreement. He noted that, since US forces are not stationed in Hungary, there may be no need for such an HCA. US replied that when we first contacted Hungary about an HCA, there was a large operational US presence in Hungary at Tazar, and that these forces had been inspected under different arms control agreements during the Kosovo crisis. Del also pointed out that there are continuing NATO exercises with Hungary that make the existence of such an agreement relevant. Fehervari expressed concern about the relevance of this agreement in a larger context, wondering if the HCA had anything to do with US force redistribution in Europe or the EU's initiative on CWC CIs. We noted that neither factor was a motivation for seeking an HCA now - we are simply renewing our interest in an agreement that had been initiated several years ago. Finally, Fehervari requested that we reveal what other countries we have agreements with and whether it was possible to obtain a copy of one of the agreements.

10. (C) Jordan: Del spoke with Jordan MFA Rep Sager M. Abu Shattal, First Secretary, Embassy of the Hashemite Kingdom of Jordan. The del provided a fairly detailed conceptual overview of the intent and purpose of the HCA with Jordan's MFA rep, which he later acknowledged as being very beneficial. His immediate concern, however, was to ascertain with which other countries within the Middle East Region the U.S. was negotiating or had concluded agreements. Del explained that we are not able to reveal that information per the request of those member-States, and that we treat our draft agreement with Jordan with the same confidentiality. He was not surprised by our response and pointed out that other Arab countries' knowledge of any agreements with the U.S. is treated with suspicion and skepticism. He pointed out that while Jordan's existing CWC governmental infrastructure had been created, there was little to no support staff in place. The clear implication was that it may be difficult to provide a quick response that included a line-by-line review of the text. He did state he would address the HCA with Amman.

11. (C) Denmark: Del met with Danish Minister Niels Erik D. Jensen, Permanent Representative to the OPCW. Mr. Jensen posed a few basic questions as to why an HCA was necessary, who else has the USG approached, how many agreements have been concluded and with whom. Del answered these questions per guidance and expressed an interest in concluding an agreement with Denmark in March 2005. Following negotiations, Mr. Jensen contacted Copenhagen to ensure that Denmark had the latest draft HCA text in hand and to query whether the text was actively under review. He later confirmed that the text was being reviewed as requested.

12. (C) Norway: Del approached Norwegian del with a request to cover the HCA and the need to move forward with concluding the text. Norwegian del stated that they were under guidance

from Oslo not to engage in any discussions until they had time to adequately consider the text. In saying this however, they did acknowledge the importance of addressing the text and understood the U.S. desire to move forward with an agreement as soon as feasible.

¶13. (C) Spain: Del met with Spanish MFA Rep Tomas Lopez Vilarino to discuss the HCA provided to Spain for review. Mr. Lopez acknowledged receipt of the text and stated Madrid experts were reviewing it. He stated it had been Madrid's intention to have experts at The Hague for HCA discussions. It was decided at the last minute not to send anyone, however, due to other ongoing events. He did acknowledge the significance of the agreement, and stated he would contact Madrid to highlight our desire to engage in dialogue on the agreement in the near future, as well as the need to provide specific comments to the text in the interim.

¶14. (C) Belgium: Del met briefly with Mr. Filip DeClercq of the Belgian MFA and Mr. Dominique Jones of their MOD. While not prepared to discuss the text line by line, their delegation was notably familiar with the subject and demonstrated little of the confusion over the document shown by some other delegations. They stated simply that the document required extensive legal review, as well as review by other elements of their government and that they would convey to Brussels the urgency with which we wanted the matter treated. Neither expressed hesitation or skepticism when del advised them we wished to pursue a substantive discussion of the document, with an eye toward finalizing and signing it, in the March 2005 time frame.

¶15. (U) Italy: Del met with Italian MFA Rep Dr. Gianfranco Tracci to obtain a status update on the U.S./Italian HCA, which was scheduled to have been signed in Rome in Oct 04. Tracci stated that the agreement had in fact been signed on 6 Oct 04. However, he added that the agreement still needed to be submitted to Parliament for ratification. When asked how long he anticipated the ratification process taking, Tracci stated that it could take up to two years. Del asked how the U.S. should treat the agreement in the interim. It was Tracci's view that it should be treated as a formal agreement.

¶16. (C) Del also solicited Tracci's views on releasing the unclassified U.S./Italian HCA to other member-States. We

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explained that, based on a number of requests, doing so may facilitate the process of getting other agreements approved. Tracci stated with a significant degree of confidence that he saw and anticipated no problem at all in releasing the agreement to other member states. Del pointed out that we still need to consider the matter in Washington, and if no concerns exist, we would make a formal request to Italy for release of the agreement to other countries. Tracci concurred with our approach.

¶17. (C) Germany: Del met with MFA Rep Bernhard Brasack to gain more insight into Germany's request to have the HCA currently being negotiated with Germany be a more "ad hoc and generalized arrangement" than what was being proposed by the U.S. Mr. Brasack pointed out that Germany's position to have such an ad hoc arrangement came from "high-up" in their MFA, suggesting they had little latitude to conclude the agreement in any other manner. He also stated that the MOD had expressed little support for the proposed text as currently drafted. Brasack stated it was Germany's view that the proposed text was logically unfeasible to support and execute. More specifically, he stated that too many German resources would be needed and consumed to support the envisioned size of the U.S. host team (50 personnel). It was his view that the U.S. only needed to have a small contingent of liaison representatives (1 to 2 personnel) present to represent U.S. interests, and that we must trust Germany's ability to help protect U.S. interests during the course of a CI. He also pointed out that the mutual notification requirements upon receipt of a CI notification did not make sense. Finally, Brasack stated it was Germany's objective to demonstrate compliance as quickly possible, suggesting the U.S. desire to control the pace of the inspection (via full use of the CI timelines to prepare out assets) would create significant political problems for Germany. In stating the above however, Brasack did not discourage the del from providing a counter-proposal to Germany's latest response to the U.S. draft

¶18. (U) Javits sends.  
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